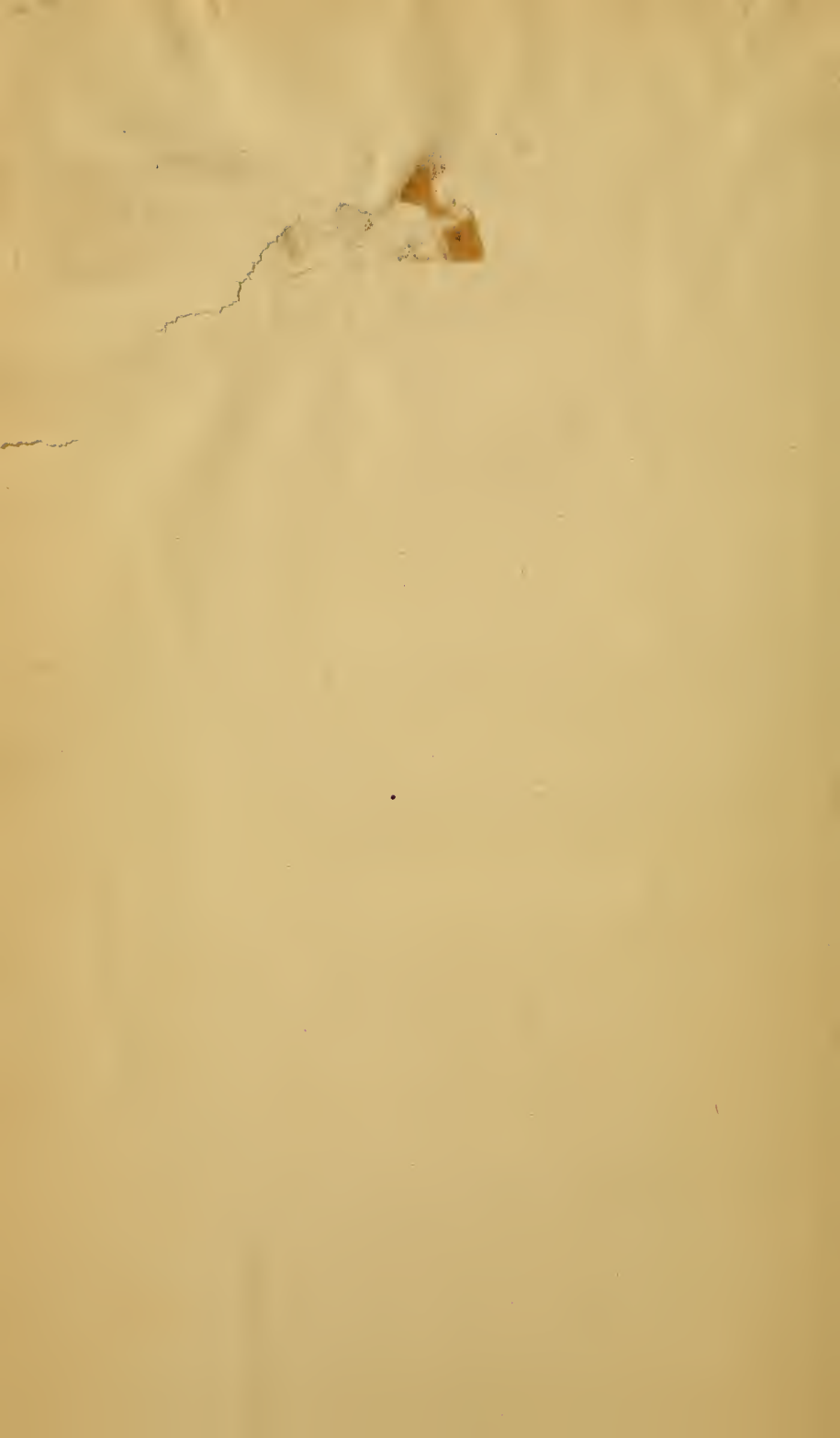


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REMARKS AND DOCUMENTS

CONCERNING

THE LOCATION

OF THE

BOSTON AND PROVIDENCE RAIL-ROAD

THROUGH THE

BURYING GROUND IN EAST ATTLEBOROUGH.

TO WHICH ARE ADDED,

THE STATUTES FOR THE PROTECTION OF THE SEPULCHRES OF THE
DEAD, WITH REMARKS ON SOME OF THE POWERS AND
RIGHTS OF CORPORATIONS IN THIS STATE.

BY A FREEMAN OF MASSACHUSETTS.

34 *4322.41*
[DAGGETT, JOHN]

And the field of Ephron, which was in Machpelah, which was before Mamre, the field and the cave which was therein, and all the trees that were in the field, that were in all the borders round about, were made sure *** unto Abraham, for a possession of a BURYING PLACE.—Gen. xxiii. 17, 20.

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BOSTON:.....

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REMARKS, &c.

IT is probably known to the most of those who will read this pamphlet, that the Boston and Providence Rail Road was recently located through the Burying Ground in East Attleborough, contrary to the almost unanimous wishes of the Proprietors. In June, 1831, an Act was passed establishing the Boston and Providence Rail Road Corporation, with the usual powers and privileges. Under this Act, the Corporation claimed the right to construct the road through that place, notwithstanding the statute for the protection of the 'Sepulchres of the Dead.' After considerable delay and various remonstrances and proceedings on the part of the Proprietors, the corporation proceeded on the last Monday in June to construct the road through the Burying Ground, and to remove the remains of the dead by a sort of *forced consent* of the relatives.*

The line of the road passed obliquely through the ground, cutting it into two irregular and unequal parts. In the course of the excavations (about 30 feet in width) about 150 bodies, or their remains, were removed, or rather *attempted* to be removed, for many of them were so much decayed that nothing but a few bones could be found. Such a removal is a mere mockery.

* They gave notice, that, unless the kindred would *consent* to the removal of their dead, they should pull up the grave-stones and construct the road over the graves! This was freedom of choice with a vengeance!

This Burying Ground was laid out soon after the incorporation of the Parish, Oct. 16, 1744, about 90 years ago, for the use, as it has always been understood, of all residing within the territorial limits of the Parish. Additions have been made to it since that time; and it was supposed to contain, when this outrage was committed upon it, about twelve hundred graves. Here are the ashes of many of the fathers of the town. Here 'sleeps the faithful pastor* and his pious flock.' Here are the kindred of almost every family in the Parish. In this place in the course of time, several generations have been gathered to their fathers. It was their own chosen place of burial—selected as the spot where they desired to repose; and here, by every principle of gratitude and reverence to their memories, their ashes ought to have been permitted to rest, undisturbed by the *speculations* of the living. But a generation has occupied their places, who know not the fathers; a generation, who are influenced in their actions by feelings more selfish than those of the early settlers of the place who subdued the soil and established the institutions which we are now so ungratefully enjoying. That sacred spot contained the remains of many of those (ever to be honored) who toiled laboriously in the arduous struggles of the Revolution, and whose hard services to their country ought to be requited in some other way than by thus trampling upon the place of their repose. 'Oh insane thirst for gold, to what deeds wilt thou not lead thy votaries!' The grave has always been considered a Sanctuary, where the ashes of the dead might rest in peace till the last trumpet should awake them to life—as a refuge, where the weary might rest, and the wicked should cease from troubling. Peace and rest are always associated with the thoughts of the grave,—a place, where the business of the world ought never to intrude. Every disturbance of its silent repose is a painful shock to the feelings of surviving kindred. In their view the re-

* Rev. Peter Thatcher, the first minister of the East Parish.

mains of the dead are sacred relics; he, who disturbs them, offers violence to the best feelings and associations of mankind; and no one, whose heart is not hardened,—whose natural sympathies are not blunted or destroyed, in the pursuit of wealth, would ever attempt it.

Contemplate the scene for a moment. Kindred and friends are called, after a long separation, to witness the disinterment of the remains of the departed,—whose memory is thus recalled most vividly to mind—painful scenes of former separation are brought fresh to the recollection,—and in a manner most aggravating to the feelings. It brings to sight the mouldered remains of those who were once associated with us, in life, in the most endearing relations.

Tearing up the monuments erected in memory of the dead—disinterring their bones—scattering their dust to the winds of heaven—or else exposing their decaying and mutilated forms to the gaze of idle curiosity, is a scene to which the public feeling ought never to be subjected,—it hardens and degrades it.

The repository of the dead, without the ceremony of consecration, becomes sacred—sacred and inviolable by the common consent of mankind. To convert the spot, which has been once appropriated to the burial of the dead, into a Common,* or into a place of business and money-making, is doing violence to the feelings, and shows but little respect to the associations which influence the human mind. It is profaning a place, which, in the view of the living, has been rendered sacred by having received the relics of our friends and kindred—which has been set apart and devoted to a most solemn purpose, supported, as it is, by the religious sentiments of our nature. The very spot which encloses the remains of a friend becomes con-

* It has been currently reported, that it is the wish of certain individuals, who have favored the passage of the road through that place, to convert the east side of the ancient Burying ground into a Lumber-yard!

separated in our memory ; and to leave it forever undisturbed, is the most consonant to our feelings. We naturally associate the memory of *the living* with the relics of *the dead* ; and these, with the spots where they are buried and with the dust which covers them. In the eye of friendship how sacred is the grave which receives the remains of the departed ! How strong is our desire to preserve their repose—to protect them from violence and insult ! All these associations ought to be regarded, even cherished, from the moral influence which they exert on the living by refining and softening the feelings. Instead of diminishing this feeling of respect for the dead, which has so generally prevailed, I would render it deeper, stronger and more lasting. I would have it cultivated in all suitable ways, as a means of improving the moral character. If you blunt or destroy these sensibilities, you injure the better part of our nature. Those who cherish, with the most enduring affection, the memory of their departed friends, cherish also, with the most fidelity, the ground which contains their relics. It is indeed, the same principle of our nature (founded on the laws of association) which connects our ideas with the external world, the past with the present, and the dead with the objects which belonged to them while living.

These feelings, deeply seated as they are in the minds of the great majority of mankind, are entitled to respect from all, and to the guardianship of the laws. Some individuals there are, we know, who profess to have no feeling on the subject ; but we hope they will not insist on reducing others to their own level. But if you succeed in eradicating this sentiment of respect for the dead, what do you do but brutalize the human mind ? The moral depravity produced by habitually dishonoring the dead, is illustrated by awful examples in the characters of a certain class of criminals in London, called Resurrectionists*

* The most abandoned and hardened wretches, that have ever blackened the calendars of crime, were the ‘ body snatchers’ or ‘ Resurrectionists,’ of

All ages and all nations have united in paying respect to the dead, in protecting their remains, and in guarding, as sacred and inviolable, the places where they are deposited. So universal and so strong is this sentiment, that we must believe it natural; there is no exception to it even in the savage breast. A striking trait in the character of the North American Indians, is their strong attachment to the 'graves of their fathers.'* This sentiment is often alluded to in the eloquence of their orators. In fine, the annals of all nations bear testimony to the honors bestowed on the dead, and the scrupulous care with which they watched over and preserved their remains and the places of their burial.

Hitherto the grave has been considered a *place of rest*—sacred and inviolable—devoted to the solemn purpose of receiving in trust the remains of mortality—a place where this fleshly tabernacle of the soul, the 'human form divine,' might fulfil, undisturbed by the hands of the living, the great decree of its creator, and return to its original elements. There is something, even in the outward form of *man*, which ought to inspire awe and respect. It has been the habitation of the human soul with all its great and glorious capacities; and the impress of its divine nature is still left on the form of the dead. It is the curious and wonderful workmanship of God; his most perfect and glorious work;

London, who were engaged in the cruel traffic of robbing the grave to supply subjects for dissection—and of whom notices have been given in the periodicals of the day. One of the number, who was executed a few years since, the infamous Burke, had become so hardened in the horrible pursuit, that he destroyed the lives of many individuals for the purpose of selling their bodies to the surgeons of London.

* In Drake's Book of the Indians, the third edition of which has been recently published, will be found much to illustrate the Indian character—a work in which the author, after the most extensive research and the most commendable perseverance, has collected probably almost everything which can be discovered respecting the individual lives of that interesting and unfortunate race of men. In the work will be found many specimens of their oratory.

and should always receive from his creatures that respect which the dignity of its nature demands.

Over the entrance to every Burying Ground should be inscribed, in capitals, 'Let the Dead Rest,' for it is the 'place of rest.'* In the consecrated burial grounds in England, it was anciently the custom to inscribe on the grave-stones the touching and expressive words, 'Requiescat in pace,'† which must have made a strong appeal to the heart of any who might have meditated violence to the remains beneath. Even to this day, the first words, which meet the eye, on almost every stone monument in our cemeteries, are, '*Sacred to the Memory,*' that is, consecrated, devoted to the holy purpose of preserving from dishonor and neglect the relics which repose beneath it.

But, notwithstanding the earnest remonstrance of the Proprietors, and the use of every possible means of dissuasion; and in opposition to the voice of public opinion and the common sentiments of humanity, the road has been constructed through the Burying Ground! And thus this outrage has been committed, in contempt of the authority of the selectmen,‡ in defiance of public opinion, and in violation, as we believe, of the laws of the land.

Has it come to this? Is there no spot in this wide world where the bones of the dead can rest in peace? Can they spare us no space of earth which shall be privileged from intrusion; where we can feel an *assurance* that the hand of violence or cupidity shall not disturb the ashes of our kindred? Will it be permitted, in a community of humane feelings, that a body of men, strangers to the people in the vicinity, and having no interest or sympathy with them,

* *Cemetery* is derived from a Greek word, signifying, 'a place of *sleep* or *rest*.'

† Which may be translated, '*Let the dead rest in peace.*'

‡ Application was made to the authorities of the town for license to remove, but it was refused. The further consideration of the question was postponed till the last Monday of August.

may trample with impunity on the graves of our fathers? and all this, to gratify the pride or caprice, and promote the interest of a wealthy corporation! The first rail-road in Massachusetts has its foundation on the ashes of the dead!

This is not the worst. A few of our own neighbors have been concerned in the transaction. This was the 'unkindest cut of all.' Will it be believed by succeeding generations, that men (hitherto regarded as men of feeling) could be found in this town, who, from selfish or worse motives, were willing to lend their influence and combine with a *foreign* corporation to disturb the repose of the grave? Yet such is the fact! *

We know there is a heartless philosophy embraced by some at the present day, which disregards everything but the physical comforts and wants of man, and considers wealth as the chief good of life. It would root out every principle and feeling which does not contribute directly to some object of *Utility*; and would thus destroy the nobler part of our nature. Its tendency is to subdue everything like sentiment, and especially our 'sympathy with the dead,' because, tried by the test of this modern philosophy, it has nothing to do with 'the funds,' and is not convertible into cash! This narrow system of utility is the greatest bane to the moral and intellectual improvement of the nation. It sacrifices all the higher and nobler considerations of life to the gratification of the mere animal wants of the species.

Wealth is becoming the idol of the people of this country, and the pursuit of it is absorbing all their best time and talents. There is already too much wealth in the country for the good of the people, and the safety of our

* I have refrained from going into further particulars, for the sake of sparing the feelings and the reputation of the individuals concerned in the transaction; but if circumstances shall require it, the whole history of the proceedings will be made public.

civil institutions. It is only a weight to drag the country down to the gulf of national ruin, to luxury, immorality, and final subjection to tyranny. With the superabundance of riches will come the enervating effects of idleness and its kindred vices; and with the virtue of the people will pass away their love of freedom. National ruin will be the natural consequence. Such has been the experience of all other nations in past ages.

Efforts have been made within a few years by the intelligent and benevolent of our metropolis to create a higher regard for the repositories of the dead, or rather, to strengthen and refine the public sentiment on the subject, and thus to counteract this tendency of the age.

The result has been the establishment of the beautiful cemetery at Mount Auburn, an undertaking well calculated to answer the end designed. No effort of the day is fitted to produce so great and salutary a moral effect on the character of the city, and eventually on that of the whole community, as the cemetery at Mount Auburn. It will diffuse in the community, a taste for ornamenting burial grounds; better judgment in the erection of funeral monuments, and in the sentiment and style of the inscriptions, and will awaken the public from a too general neglect of the external appearance of the repositories of the dead.

We cannot forbear extracting here a few passages from the Address,* delivered at the consecration of this cemetery.

* By the Hon. Judge Story, a gentleman, whose eminent success in jurisprudence has not been able to eclipse the splendor of his literary acquirements. He is an ornament to the country whose highest tribunal he adorns and dignifies. Though his office enjoys but little of that popularity which is attended with the 'huzzas of the crowd,' and that dazzling admiration which is bestowed upon the successful politician, yet his judicial fame, once established, is more permanent; it passes not away with the generation in which it originated, but is identified with the great principles which his labors have contributed to illustrate or establish, and thus becomes the inheritance of after-ages.

His address at the consecration of Mount Auburn is replete with eloquent language and beautiful sentiment, and affords a pleasing proof, that the

‘The patriarchal language of four thousand years ago is precisely that, to which we would now give utterance. We are “strangers and sojourners” here. We have need of “a possession of a burying-place, that we may bury our dead out of our sight.” Let us have “the field, and the cave which is therein; and all the trees, that are in the field, and that are in the borders round about;” and let them “be made sure for a possession of a burying place.”

‘It is the duty of the living thus to provide for the dead. It is not a mere office of pious regard for others; but it comes home to our own bosoms, as those who are soon to enter upon the common inheritance.

‘If there are any feelings of our nature, not bounded by earth, and yet stopping short of the skies, which are more strong and more universal than all others, they will be found in our solicitude as to the time and place and manner of our death; in the desire to die in the arms of our friends; to have the last sad offices to our remains performed by their affection; to repose in the land of our nativity; to be gathered to the sepulchres of our fathers. It is almost impossible for us to feel, nay, even to feign, indifference on such a subject.

‘I have spoken but of feelings and associations common to all ages, and all generations of men—to the rude and the polished—to the barbarian and the civilized—to the bond and the free—to the inhabitant of the dreary forests of the north, and the sultry regions of the south—to the worshipper of the sun, and the worshipper of idols—to the Heathen, dwelling in the darkness of his cold mythology, and to the christian, rejoicing in the light of the true God. Every where we trace them in the characteristic remains of the most distant ages and nations, and as far back as human history carries its traditionary outlines.’

author preserves his feelings as a poet, and his taste as a scholar, amid the arduous labors of his exalted office.

Speaking of the care bestowed by the nations of antiquity on their places of burial, he says,

‘The Romans, faithful to the example of Greece, erected their monuments to the dead in the suburbs of the eternal city, (as they proudly denominated it,) on the sides of their spacious roads, in the midst of trees and ornamental walks, and ever-varying flowers. The Appian way was crowded with columns, and obelisks, and cenotaphs to the memory of her heroes and sages; and, at every turn, the short but touching inscription met the eye,—*Siste Viator*,—*Pause Traveller*,—inviting at once to sympathy and thoughtfulness. Even the humblest Roman could read on the humblest gravestone the kind offering—‘May the earth lie lightly on these remains!’ And the Moslem Successors of the emperors, indifferent as they may be to the ordinary exhibitions of the fine arts, place their burying-grounds in rural retreats, and embellish them with studious taste as a religious duty. The cypress is planted at the head and foot of every grave, and waves with a mournful solemnity over it. These devoted grounds possess an inviolable sanctity. The ravages of war never reach them; and victory and defeat equally respect the limits of their domain. So that it has been remarked, with equal truth and beauty, that while the cities of the living are subject to all the desolations and vicissitudes incident to human affairs, the cities of the dead enjoy an undisturbed repose, without even the shadow of change.’

We must conclude these remarks with the following extracts from an article, in the *North American Review*, which contains sentiments appropriate to the subject. It is presumed to be the production of the accomplished scholar under whose auspices the work is now so ably and honorably conducted.

‘**RESPECT FOR THE DEAD.**—There is no feeling in our nature stronger or more universal than that which insists upon respect for the dead. The savage shows a kindness

and reverence to the dead, which he never pays the living ; and enlightened man ranks it among the most sacred of his duties, to offer the last sacrifice of affection at the grave. If the belief prevailed now, as in ancient days, that the spirits of the unburied suffered for the neglect of their friends, this feeling might be more easily accounted for ; but it does not seem to partake of superstition ; it is rather sentiment, enlightened, just and manly sentiment, influencing not only the intelligent, but many besides, who in general seem to be strangers to strong and delicate feelings. The light-hearted soldier, at the grave of his comrade, feels a heaviness which makes him a better man for the time ; the rough seaman leans thoughtfully over the side of his vessel, till the waters which the plunge of the corpse has broken, are calm and unconscious again. At every village funeral, when the dead lies in the midst of the living with a fixed and calm serenity on his brow—with an unsearchable depth of meaning in his features, which no mortal eye may read—if it be only a child perishing in the day-break of its existence, whose loss will be as little felt in the world at large as the withering of a garden flower—still he is for the time invested with the commanding majesty of death ; children join their hands and look timidly around them ; old men lean upon their staves and ponder ; though *among them* he seems no longer *of them* ; the air of gentle and firm reserve on his countenance gives the impression that he sees what we cannot see, hears what we cannot hear, and is already acquainted with those mysteries of the future, which the living desire and yet tremble to know.

Neither does this interest in the dead cease when they are hidden from our eyes. It follows them to the grave, and makes us regard as sacred the place where we laid them. The burial-place is the retreat of the thoughtful ; the shoes of care and passion are put off by those who enter the lonely ground. And what a lion in the path is the public feeling, to all who would disturb the repose of

the tomb ! It is easier to rifle the mansion of the living, than the narrow house of the dead ; for the living can protect themselves, and therefore are less regarded, while the whole moral force of a wide region is at once in arms to resent an insult offered to the dead.

One reason why the home of the dead is thus sacred, is, that this is the place where we lose them. Up to this place we follow them through the changes of life and death ; but at the gates of the tomb, they are taken and we are left. We are forcibly driven back, and the mind loses itself in earnest conjectures respecting their destiny—what it may be, now it is thus widely separated from ours. The most striking view we ever saw of the great cataract of our country, represented simply the waters above, and the long line where they lean to dash below : the rest was left to the imagination, which made out for itself a more profound impression of the grandeur of the scene, than representation or description by measure could possibly have given. Thus it is with the surface of the ground where the dead are laid ; hitherto we come, but no further ; we see not how nor where they are gone ; this is the boundary, beyond which the living cannot go, nor the dead return ; and it arrests and chains the imagination, like the place in the ocean where some gallant wreck went down.

This will account for the universal interest which the cities of the dead inspire ; but not for all the tenderness with which the dead are regarded. This is owing to what Adam Smith calls our sympathy with the dead. Where and what they are now, we do not know ; we therefore still represent them to our minds with feelings like our own. It seems to us as if they must be conscious when the light step of affection moves above, as if the stranger, rudely trampling above them, might disturb their profound repose. We are glad when we see a sunbeam on the green roof of their narrow mansion, as if it could light up the darkness below ; and if we see a tree or a flower planted above them, we feel as if they must revive and rejoice in the

pledge that their memory is still treasured by some who loved them. We feel bound to remember them, as we would wish ourselves to be remembered, after we have gone in that narrow way where there are no traces of returning feet.'

The following documents, and the principles on which we opposed the measure, are here embodied in a more permanent form than that in which they now exist, not only for the benefit of those who have an interest in the subject and have not had an opportunity of examining them, but that we may hereby make a *Public Protest* against the claim of the Corporation; and that this case may never be drawn into a *precedent* to justify future aggressions of the kind, as many are inclined to justify the *abuse* of power by its *use*. The question ought to have been legally settled, that the humanity of the law might have been vindicated. Measures were in progress to bring the case to a judicial determination,—which would have been done but for a few unexpected obstacles in the way. The ablest legal counsel had been consulted on the subject, whose opinion was adverse to the right of the claimants.* The fact, therefore, that the case was not contested, is no evidence of our acquiescence in their right to do what they did. It is time for public attention to be called to the subject, that the question, who are the proprietors (in many cases) of Burying grounds, and the rights of the public therein, may be determined; and also, how far protection, by law, is designed to be extended to the dead in their graves.

The following Remonstrance was sent to the Engineer and Agent by the Parish committee.

'At a meeting of the Proprietors of the Burying Ground

* The haste, with which they proceeded in the construction of the road after they had ascertained this fact, is pretty good evidence that they themselves had some doubts about their right.

in East Attleborough, Sept. 25th, 1833, the following Resolutions were adopted :

Resolved, That a committee of seven be appointed to attend to the interests of the Proprietors of the Burying Ground, so far as those interests may be affected by the contemplated route of the Boston and Providence Rail Road.

Resolved, That the Proprietors of the Grave-Yard, regard the contemplated removal of their dead with feelings of deep sensibility, and earnestly desire their committee to use their utmost endeavors to prevent, if possible, such a violation of the Sanctuary of the grave.'

In accordance with the above Resolutions, the committee deem it needless to add much to what has been already said, in regard to the painful feelings, which such an event, as the removal of the dead from the present Burying Ground, must inevitably produce in the bosoms of surviving friends. Burial places have been regarded by all nations and in all ages as *sanctuaries*, as spots privileged from the intrusion of the business-concerns of life, and consecrated to the undisturbed repose of the dead. Such places possess, in the view of even the most barbarous nations, a sort of religious sacredness; and no considerations, short of absolute necessity, should induce the living to violate the sanctity of the grave. It is one of the holiest feelings of our nature, which prompts us to reverence the places where the ashes of our kindred rest; and such a feeling is entitled to respect, and should never be lightly regarded.

No pecuniary damages can ever compensate for that injury to feeling, which the promiscuous disinterment of the remains of several generations, and thus bringing them to the view of their surviving kindred, must necessarily create. Such a scene can but shock the common feelings of humanity, and must be felt as sacrilegious. In other cases, private property may be taken and an equivalent given. But who can give an equivalent for that wounded sensibility which the forced removal of the dead, under such circumstances, must occasion?

The committee would, therefore, in behalf of the Proprietors, most earnestly request those who have the selection of the route for the Rail Road, to spare, if possible, the violation of the sanctuaries of the dead, which the location of the road over our Burying Ground must necessarily produce. Even though the Corporation may have the *legal power* thus to locate the road, yet, we hope, that

power will be exercised with a due regard to the feelings and interests of the community.

Very respectfully, Yours,

Attleborough, Sept. 23th, 1833.

JOHN DAGGETT, Chairman.

The Proprietors, perceiving that the Corporation still persisted in their right, deemed it expedient to make the grievance known to the Legislature, with the hope, if not of thus obtaining redress in their case, at least of procuring some positive enactment or other legal provision for the prevention of such injuries in future. For this purpose, they presented to the Legislature the following

P E T I T I O N .

To the Hon. the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled :

The Petition of us, the subscribers, interested in the Burying Ground in East Attleborough, respectfully represents :

That by authority or under color of an Act of the Legislature, entitled, an 'Act to Incorporate the Boston and Providence Rail Road Corporation,' passed the 22d day of June, A. D. 1831, the said Corporation, by their Agents, have located their Rail Road through the centre of the Burying Ground aforesaid, to the great damage and injury of your Petitioners; that this Burying Ground was laid out in the year 1744, and has ever since been occupied for the purpose of burying the dead, and now contains, by estimation, from ten to twelve hundred graves; that the said location (if persisted in) will cause the removal of the greatest proportion of the remains of the bodies in said ground, and will leave the remainder in an indecent and unbecoming condition. And, therefore, your Petitioners pray this Honorable Court to interpose their authority in our behalf, and prevent this great injury to our interests and feelings.

We respectfully represent, that, in our opinion, it is wholly unnecessary to locate said road in that direction; that from the nature of the ground in the vicinity, which is a level plain of great extent, this grave yard might be avoided without any material injury to the use and improvement of said road: that a slight curve in the line of the road, which, in practice, would amount to no perceptible variation, would entirely clear this Burying Ground, and thus render it unnecessary to disturb the remains of the dead: That the said Act provides, that the said Corporation shall take no ground or materials for the use of said road, without paying a full compensation therefor; but that, from the nature of the case, the damages to which we are entitled are no adequate compensation for the injury caused; the mere cost of the ground and of the removal of the dead, is no equivalent for disturbed peace and wounded sensibility. Such an injury cannot be measured by any pecuniary standard. Burial places have been regarded by all nations,

and in all ages, as consecrated ground ; and all needless exposure or disturbance of them, is opposed to the universal sentiment of mankind, and is a violation of the most sacred feelings of the heart. Such feelings are entitled to respect, and to the protection of the laws. By a recent Act, the Legislature, guided by a due regard for the tender associations connected with the remains of our kindred, have seen fit to impose heavy penalties upon any who should presume to violate the sanctuary of the grave ; and have thereby expressed the feelings which the people of this Commonwealth entertain for the protection of the cemeteries of the dead. We have a right to expect that the feelings which dictated that Act, will be extended to us in this case. That a right thus to disturb the sacred repose of the grave, on the part of said Corporation, could not have been contemplated by the Legislature, at the time of passing said Act of Incorporation ; and the exercising of such a power under that Act, is, therefore, contrary to the true intent of the Legislature, and to the interests and good feelings of the people of this Commonwealth. We claim protection in the case as a right guaranteed to us by the humane principles of our revered Constitution. We, therefore, most earnestly and solemnly appeal to an enlightened and humane Legislature, actuated by a due regard for the feelings and peace of the community, to grant us relief from this grievance, in such a manner and by such means as they in their wisdom shall deem right and proper.

And your Petitioners further pray this Honorable Court, that they would pass some Act, for the better preservation of burial places, especially against future grants of this kind ; and that they would establish some impartial tribunal, who shall give a hearing to both parties in such cases, to the end that, whenever hereafter any individual or corporation shall, in the location of a road or canal, come in contact with a burying ground, the said tribunal shall determine, on full and fair examination, whether the exigencies of the case require that the same or any part thereof should be removed. This we ask on the principle that, in a case which so deeply affects the feelings and interest of the people, as the removal of the dead from their graves, it ought not to be left to the sole discretion of an interested individual, or a corporation, naturally governed by self-interest alone, to judge of its necessity—that it is not just for *them* to determine whether the public good demands such a sacrifice. We respectfully ask, that all future grants of this kind may be made subject to such a limitation. We earnestly protest against the granting, in future, of the unqualified powers and privileges (of which we have complained) to any corporation or body of men in this Commonwealth. And we, therefore, humbly pray this Honorable Court, to adopt some measure affording a more adequate protection to Burying Grounds. And as in duty bound will ever pray, &c,

(Signed)

JOHN DAGGETT, AND 112 OTHERS.

Attleborough, January 30th, 1834.

HOUSE OF REPRESENTATIVES, FEB. 6, 1834.

So much of this Petition as relates to the grievance complained of, is referred to the Committee on Rail Ways and Canals. Sent up for concurrence.

L. S. CUSHING, CLERK.

IN SENATE, FEBRUARY 7, 1834.

Concurred, and ordered to be printed.

CHARLES CALHOUN, CLERK.

HOUSE OF REPRESENTATIVES, FEB. 6, 1834.

So much of the above Petition as relates to the Preservation of Burying Grounds, is committed to the Committee on the Judiciary.

Attest,

L. S. CUSHING, CLERK.

In accordance with the prayer of this Petition, the Judiciary committee (of which Theron Metcalf, Esq. of Dedham, was chairman, one of the most learned jurists in this state) very promptly reported a Bill, which passed (we believe, without the least objection,) into a law.* The feeling manifested on the subject was highly creditable to the member who drafted it.†

On the petition, (as I am informed) of the Proprietors of Mount Auburn, the *second* section of the Act was added, which is a judicious provision; and at the suggestion of some one, a *third* section was afterwards appended, making further provisions concerning the study of Anatomy, which seems to have no very necessary connection with the other parts of the Act. However important may be the object of that section, it is not wholly unexceptionable. The poor, the friendless, and the unfortunate are made the victims to the cause of science. I see no very good reason which should exclude the rich, the learned, and the *gentleman*, from sharing in the same honor, by being consigned to the hands of the dissector.

The Railway Committee, to whom the former part of the petition was referred, reported unfavorably to the prayer of the Petitioners,—on what grounds we have no means of knowing, as they saw fit to give no reasons for their report. It may be conjectured, however, that it was on the ground

* See the statute, page 24.

† The immediate author of the Bill, Mr. Cushing, of Newburyport, is a gentleman not more distinguished for his eloquence and his elegant scholarship, than for the excellent feelings of his heart.

that the grant was in the nature of a *contract*, and that, therefore, the Legislature had no right to interfere. That it was so far in the nature of a contract as to preclude them from interposing their authority to prevent the injury contemplated, may, at least, admit of a *doubt*. We presume, however, that the committee did what they thought was their duty. We have, therefore, no better remedy than to acquiesce in the decision, right or wrong.

That the Directors of the Rail Road might have a 'certain knowledge' of public opinion in the town, the following Resolutions were sent to them.

At a town meeting held in Attleborough, April 7th 1834, the following resolutions were adopted.

Resolved, That the disturbance of the Burying Ground in East Attleborough is wholly unnecessary, and that it was the duty of the Rail Road Corporation so to have located the road as to avoid said ground, which might have been done without any material injury to the use and improvement of said road.

Resolved, That the removal of the dead from the places where they have been deposited, without the consent and contrary to the wishes of surviving kindred and friends, (unless *public* necessity absolutely require it,) is a violation of those feelings which ought to be held sacred by the laws and the authorities of the land.

Resolved, That the location of the Rail Road through the Burying Ground aforesaid, under the circumstances of the case, is a contempt of public opinion and an outrage upon public feeling, and deserves the indignant reprobation of the community.

Resolved, That having solemnly appealed, but in vain, to the humanity and justice of the Legislature, for protection, it is the duty of all interested in the case to use all legal and constitutional means in their power to procure relief and prevent this contemplated injury to their rights.

Resolved, That the granting, by the Legislature, of such undefined powers and privileges to any person or corporation, as are given in the charter of said Rail Road Company, (and without first requiring a specific location of the intended route,) is an unjustifiable disregard of private property, and a violation of the rights intended to be secured by the Constitution to the people of this Commonwealth.

Resolved, That a committee be appointed to transmit a copy of the above Resolutions to each of the Directors of the Boston and Providence Rail Road Corporation, with a request that they would so far change the location of said road as to avoid the Burying Ground in East Attleborough.

Attleborough, April 7th, 1834.

At the last meeting of the Proprietors, (which was very fully attended,) held a few weeks previous to the commencement of the work, the following Resolution was passed. They were resolved, that, if the act should be

done, the responsibility and odium of it should rest on those by whom it was done ; and would do nothing which might be construed into acquiescence or consent, that they might thus avoid the appearance of being made seeming partakers in the outrage.

' Resolved, That the Proprietors of the Burying Ground are still opposed to the passage of the Rail Road over the same ; that they will never encourage or consent to it, and that they deny the right of the Corporation to construct said road over said ground, or to disturb or injure the remains of the dead therein deposited.'

LAWS FOR THE PROTECTION OF BURYING GROUNDS.

As much interest is now felt in this subject, the statutes are here copied, for the satisfaction of those who have not convenient reference to them. Burial places have been, for some time, under the protection of statute law. The first Act, however, in this state, since the adoption of the constitution, for the special protection of such repositories, was passed in the year 1815. It was entitled,

AN ACT to Protect the Sepulchres of the Dead.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person, not being authorised by the Board of Health, or the Selectmen of any town in this Commonwealth, shall knowingly and wilfully dig up, remove, or carry away, or aid and assist in digging up, removing or carrying away any human body, or the remains thereof, such person or persons, so offending, shall, on conviction of such offence, in the Supreme Judicial Court of this Commonwealth, be imprisoned, not more than one year, or fined, not more than one thousand dollars, according to the nature and aggravation of the offence.

SEC. 2. *Be it further enacted,* That if any person or persons knowingly and wilfully receive, conceal, or dispose of any human body, or the remains thereof, which shall have been dug up, removed, or carried away in the manner described in the first Section, of this Act, he or they shall be subject to the same forfeitures and penalties, as in said Section is provided, on conviction thereof in the Court aforesaid: *Provided, however,* That nothing in this Act shall be so construed as to affect the power or authority in the Courts of the United States, or of this Commonwealth, or of any person acting under the authority of the same, in removing or disposing of the bodies of persons executed pursuant to any sentence of such Court.

SEC. 3. *Be it further enacted,* That all fines, accruing under this Act, shall enure, one half to the informer, and one half to the town in which the offence is committed.' [March 2, 1815.]

Previous to this time, there was no necessity of special law, to protect the 'sepulchres of the dead.' The general law of humanity protected them. The humane sentiments of the people were a sufficient guaranty. The grave possessed, in their minds, a religious sanctity, which no one presumed to violate. Around its hallowed precincts was drawn a consecrated circle, which guarded and insured its inviolability.

I am not aware of the particular circumstance which was the occasion of the enactment of that statute; but, probably, it was some individual outrage which directed public attention to the subject.

But even these penalties, severe as they are, were not sufficient to deter monsters from violating the sanctuary of the grave. Nothing can be conceived more aggravating to mourning relatives, who have just committed the body of a beloved friend to the earth, than the thought that his grave has been plundered by some ruthless, unfeeling wretch, and his remains stolen away and submitted to the dishonor of a dissecting room. Several outrageous cases occurred in Boston, Springfield and other places, which are fresh in the recollections of the public. This occasioned the statute of 1831, which is as follows:

AN ACT more effectually to protect the Sepulchres of the Dead, and to Legalize the Study of Anatomy in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person, not being authorised by the Board of Health, Overseers of the Poor, or Selectmen in any town of this Commonwealth, or by the Directors of the House of Industry, Overseers of the Poor, or Mayor and Aldermen of the City of Boston, in said Commonwealth, shall knowingly or wilfully dig up, remove, or convey away, or aid and assist in digging up, removing, or conveying away any human body, or the remains thereof, such person or persons so offending, on conviction of such offence, in the Supreme Judicial Court of this Commonwealth, shall be adjudged guilty of felony, and shall be punished by solitary imprisonment for a term not exceeding ten days, and by confinement afterwards to hard labor for a term not exceeding one year, or shall be punished by a fine not exceeding two thousand dollars, to enure to the benefit of the Commonwealth, and by imprisonment in the common jail for a term not exceeding two years, at the discretion of the Court, according to the nature and aggravation of the offence.

SEC. 2. *Be it further enacted,* That if any person shall be in any way, either before or after the fact, accessory to the commission by any person or persons of the offence described in the first section of this act, such person or persons shall be adjudged and taken to be principals, and shall be, on conviction in the Court aforesaid, subject to the same punishments and forfeitures as are in said first section provided.

[Sections 3, 4 and 5, making provisions for the study of Anatomy, (which have been superseded by the last act,) are here omitted.]

SEC. 6. *Be it further enacted,* That the act passed March 2d, 1815, entitled 'An act to protect the Sepulchres of the Dead,' and also all other acts

or parts of acts contravening the provisions of this act, be and the same hereby are repealed.

Approved by the Governor, Feb. 28, 1831.

By this last statute the offence is declared to be *felony*; and the penalty is greatly enhanced.

Considerable dissatisfaction, however, prevailed in many parts of the state, with the provisions of the third section, legalizing the study of anatomy. The importance of a knowledge of the science of anatomy is not denied; but it can, and ought to be promoted without aggravating the feelings of a single individual. This Act, combined with the strong feeling of the public against such offences, seemed to afford a sufficient protection. Recently, however, a case of robbery of the grave has occurred at Great Falls and Dover, N. H., which created great indignation in the public mind.

The object, unquestionably, of these laws is the protection of Burying Grounds in full. This object is indicated by the title of the Act, 'to protect the *sepulchres* of the Dead.' The Rail Road Corporation have attempted to evade this law by constructing the road *over* the dead. It seemed that they did not claim a right to *remove* the dead; but to dig down within a foot or two of their remains, and at that depth, to build a railroad with stone, timber and iron over them! In substance, what is the difference between a right to remove, and a right to do thus much? What is the difference, except that the one is worse than the other? Can such an absurd construction be put on any law? If not against the letter, it certainly offends against the spirit of the law, for its object is to protect the dead in their graves. If such a construction can be put upon the law, then the same object may be effected in one way which it would be illegal to do in another.

Does then, their charter, in effect, *repeal* the statute? I think not. That Statute is a *general law*—a law defining certain acts as *criminal* offences. The act of Incorporation, is a *special*,—a *private* law. Could it have been intended to repeal the *standing law* on the subject of protecting the sepulchres of the Dead? It contains no *words of repeal*. It has no allusion to it, not the most distant. It was not the intention of the Legislature. There is nothing in the Act to show any such intention on their part. The right to disturb a Burying Ground was not agitated at the time of passing the Act; and there is no reason to believe

that it ever entered the mind of a single individual in that assembly. Nothing was farther from their design. It confers on the corporation only certain rights over private property ; and not an exemption from the criminal laws of the land. An Act creating such exemptions would be clearly unconstitutional. Was it the serious intention of the Legislature to exempt this company (a certain number of individuals) from the operation of the criminal laws of the commonwealth? But when two Acts conflict with each other, which shall prevail? In most cases, undoubtedly, the latest, but certainly, under some restrictions. Such construction ought to be confined to cases where both Acts relate to the same *subject matter* ; unless it can be clearly gathered from the latter Act that it was the *intention* of the Legislature to repeal another Act on another subject. In such conflicting cases, courts have generally *presumed* that the Legislature intended to repeal the former law so far as it was inconsistent with the more recent. This intention, however, is often merely a fiction,—inferred from the necessity of the case, and should never be resorted to, except in case of necessity. It seems convenient for courts of law to resort to some such rule in order to reconcile conflicting statutes. But if there is no limit to it, if such a construction can be extended to cases like this, then is there no stability in the laws, no security for existing rights ; the most beneficial objects may be defeated ; and injuries inflicted, the most distant from the intentions of the Legislature. Such a latitudinarian construction would be unsafe and dangerous ; and would introduce confusion into the system.

There are always limitations and exceptions to general charters. Several cases have already been decided in which such limitations have been recognized.

After the case in this town occurred, the Legislature passed the following Statute for the better security of the cemeteries of the Dead.

AN ACT in addition to ' An Act more effectually to protect the Sepulchres of the Dead, and to Legalize the Study of Anatomy in certain cases.'

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter it shall not be lawful to locate or construct any railroad, canal, turnpike, highway, town way or public easement whatsoever, in, upon, or through any enclosure used or appropriated for the burial of the dead, without authority to that effect, specially granted by law ; or the consent of the inhabitants of the town where such enclosure is situated ; and any person offending against the foregoing provision, shall be subject to indictment, in any Court competent to try the same, and to imprisonment for a term not exceeding one year,

or a fine, to the use of the Commonwealth, not exceeding two thousand dollars, or both of said punishments, at the discretion of the Court trying the same, and according to the nature and aggravation of the offence. *Provided, nevertheless,* That this enactment shall not apply to any such railroad, or other public easement already located.

SEC. 2. *Be it further enacted,* That if any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in memory of the dead; or any fence, railing, or other curb for the protection or ornament of any tomb, monument, grave-stone, or other structure aforesaid, or of any enclosure for the burial of the dead; or shall wilfully destroy, remove, cut, break or injure any tree or shrub, placed for ornament within the limits of any such enclosure; such person so offending, shall forfeit and pay, to the use of the Commonwealth, a sum not less than ten, nor more than five hundred dollars, to be recovered by indictment in any Court competent to try the same.

SEC. 3. *Be it further enacted,* That it shall be lawful for the Board of Health, Overseers of the Poor, and Selectmen of any town in this Commonwealth, and for the directors of the House of Industry, Board of Health, Overseers of the Poor, or Mayor and Aldermen of the City of Boston, to surrender the dead bodies of such persons as it may be required to bury at the public expense, to any regular Physician, duly licensed according to the laws of this Commonwealth, to be by said Physician used for the advancement of Anatomical Science; preference being always given to the Medical Schools that now are, or hereafter may be, by law established in this Commonwealth, during such portions of the year as such schools, or either of them may require subjects for the instruction of Medical Students. *Provided, nevertheless,* That no such dead body shall in any case be so surrendered, if within twenty-four hours from the time of its death, any person claiming to be kin or friend to the deceased, shall require to have said body interred; or if such dead body shall be the remains of a stranger, or traveller, who suddenly died before making known who or whence he was; but said dead body shall be interred, and when so interred, any person disinterring the same, for purposes of dissection, or being accessory thereto, shall be liable to the punishment provided in the first section of the Act to which this is an addition. *And provided further,* That every Physician so receiving any such dead body, before it shall be lawful to deliver the same to him, shall in such case give to the Mayor and Aldermen of the city of Boston, or to the Selectmen of any town of this Commonwealth, as the case may require, good and sufficient bond, that each body so by him received, shall be used only for the promotion of Anatomical science, and that it shall be used for such purpose within this Commonwealth only, and so as in no event to outrage the public feeling; and that, after having been so used, the remains thereof shall be decently interred.

SEC. 4. *Be it further enacted,* That the body of no person, requesting, during his or her last sickness, to be interred, shall be surrendered under the provisions of the third section of this Act.

SEC. 5. *Be it further enacted,* That the third section of the Act to which this is in addition, is hereby repealed.

Approved by the Governor, April 1, 1834.

REMARKS ON CORPORATE POWERS.

* Power without right is the most odious and detestable object that can be offered to the human imagination.*—LORD CHATHAM.

Many citizens are dissatisfied with the powers granted in the Act, establishing this Corporation. They deem such grants a violation, or at least, a departure from the original principles of the Constitution,

as understood by our forefathers. There is some reason for complaint, not merely against this grant, but all similar grants.

This is deemed a suitable occasion on which to make a few remarks on the powers of Corporations, particularly those given in the charter of the Boston and Providence Rail Road Corporation. The rights conferred in this Act, over private property, which is deemed necessary for the construction of the road, appear to be unrestricted and indefinite.

That part of the Act, which authorises them to take private property, is as follows: 'And the said Corporation are hereby authorised and empowered to locate, construct, and finally complete a Rail Road, beginning at, or near the city of Boston, and thence to the line of this Commonwealth, in Pawtucket or Seekonk, in the direction to Providence, in the state of Rhode Island, in such manner and form as they shall deem most expedient. And for this purpose, the said corporation are authorized to lay out their road at least four rods wide through the whole length; and for the purpose of cuttings, embankments, and obtaining stone and gravel, *may take as much more land as may be necessary* for the proper construction and security of said road. Provided, however, that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purposes aforesaid, shall be paid for, by said Corporation, in the manner hereinafter provided.'

Does the Constitution clothe the Legislature with authority, to grant *private property* to or for the benefit of a *private* corporation? For this is the real question at issue.

The only claim of a right to take private property at all without the consent of the owner, (if we go back to original principles,) seems to be founded on an article in the Bill of Rights, which *implies* that private property may be taken for *public* uses. It indirectly confers this right. Art. 10. 'No part of the property of an individual can, with justice, be taken from him, *or applied to public uses*, without his own consent, or that of the Representative body of the people.' 'And whenever the *public exigencies* require, that the property of any individual should be appropriated to *public uses*, he shall receive a reasonable compensation therefor.'

This seems strongly to imply, that private property can be taken *only for public uses*. There is certainly no express authority for the contrary. Even this is reluctantly granted by the constitution, and with evident caution. The right to take it is restricted to one object, '*public use*.' Indeed, the omission in the Constitution is equivalent to an express prohibition to take it for any other purpose. The '*public exigency*,' not public convenience, or public good, is made the criterion in such cases, not the loose and uncertain prospects of remote and consequential benefits. Whence, then, do the Legislature derive their authority to take private property at wholesale, and give it to a private corporation? It can no where be found in the Constitution, the source from which they derive all their authority—even their existence—and which is to control them in the exercise of all their powers. Do they derive it from their own *inherent* right? Certainly not. We have here no 'omnipotent parliaments'—no Supreme Legislative authorities. Our Constitutions are the supreme and fundamental laws of the land. All Legislative powers are subordinate and derivative. Any power exercised beyond the sphere of the Constitution, is a usurpation on the sovereignty of the people.

But it will be said, perhaps, that the '*public good*' requires that

grants of this kind should be made. It is a sufficient answer to this, that *that* is not the test; that the Constitution does not authorize them for that purpose. It may also be said, that this charter was, in fact, made for the benefit of the public, and not of individuals; that it is a public grant. It is, to all intents and purposes, a *private corporation*. The grant is made to *individuals*, and for individual benefit. It is *owned by individuals*, and is not bestowed directly on the public. But the 'public good' will be promoted by the establishment of such a road. Admit it. But this does not determine the *character of the grant*, and render it constitutional. The public good is only incidental, the indirect, and perhaps, remote consequence—and is not the direct object of the Act, as the Constitution requires it should be. It will be promoted only in subservience to the interests of the Corporation. Their first, paramount, in fact, only object will be to secure the interests of the individuals composing the company; and if the public derive any advantage from the establishment, it will be only because it necessarily results from the means used to promote their own interests. Is not such a grant, in substance, and in form too, a *private grant*? Is it conformable to the spirit of the Constitution? Is this the 'public exigency,' contemplated by the Bill of Rights?

This principle of *public good* is altogether a loose, indefinite and dangerous rule of action on this subject. It proves too much. If this principle be once admitted and carried to its full extent, its consequences will be seen. On this principle almost any violation of private rights might be justified. It would place private property wholly at the mercy of the Legislature for the time being. By a parity of reasoning, they might take a water privilege from one man, (who, in their opinion, did not use it to the best advantage) and grant it to another man, to be used for a different purpose, because in their estimation, it would be more conducive to the 'public good!' Or, they might take a privilege from a private citizen, which had never been used at all, and grant it to a corporation, to be used for an establishment for the manufacture of Rail Road Iron! The *public good* might be promoted by the exchange! And so the public good might be promoted by any other private establishment. Where would the application of such a principle end? No where but in the utter annihilation of individual rights?

It may be said, that grants, in some respects similar, have been heretofore made, and have been indirectly recognised by the courts of law, and by the presumed acquiescence of the people; and that this has thus become a settled construction of that part of the Constitution. But, if there is no express, or necessarily implied authority, in the Constitution, for such grants—then no lapse of time, no judicial construction, no presumed acquiescence of the people, can ever confer the power, or render its exercise Constitutional. If not so, then the Constitution may be altered or amended in a mode different from that prescribed in the Instrument itself, and without the express will of the people.

Nothing is to be presumed *against* the Constitution. The fundamental law of the state must *ever* remain the same until altered by the power which created it; and no power but that of the people in their sovereign capacity can add to, or subtract from it. No *violation* of the constitution can be sanctioned by *time*, or form a *precedent* justifying subsequent violations. If otherwise, it would recognize a principle subversive of its own existence.

No alteration can be made in that instrument, without a vote of the

people expressed through the ballot-box. Nothing short of this can confer a power which is not given, or take away one which is given. Any other rule of construction would be dangerous to the rights and liberties of American citizens. In England, (to our shame be it said,) the rights of private property are far better protected than in this country. Let the people, then, look to this subject. I merely wish, by these remarks, to call their attention to it. A principle has been adopted, which, if followed up to its full extent, will be a dangerous—perhaps, fatal encroachment on private rights. ‘Freedom,’ says Mr. Fox, ‘according to my conception of it, consists in the safe and sacred possession of a man’s property, *governed by laws defined and certain*; with many personal privileges, natural, civil and religious, which he cannot surrender without ruin to himself, and of which to be deprived by any other power is despotism.’ We wish to see the original principles of the Constitution restored in their purity and vigor. If these remarks and suggestions, which have been made for the consideration of those who have an interest in the subject, be well founded, then it is the duty of the people to insist that such grants shall be restricted, in future, to their true objects, that is, to ‘public uses.’

Corporate powers have been extended too far in this Commonwealth; they have been gradually gaining ground, for a great number of years, until they have become dangerous to the rights of the people. Too much influence is accumulating in the hands of a few. The combined funds and influence of such bodies of men give them great advantage over individual rights; and they do not hesitate to use it. Give men, united in the pursuit of interest, (that object which, of all others—at least in the great majority of mankind—most highly stimulates human passion,) give such men *extra* powers and privileges, and they will generally push them to their full extent. It is time that some limitations or restrictions were imposed upon them. The accumulation of power in particular bodies of men is contrary to the spirit of our institutions. It militates against that equality of rights which was intended to be secured by the Constitution. Private rights have but little chance of success, when brought into conflict with such combinations of wealth, privileges, and personal influence, organized, and armed with legal power. Let a people, then, jealous of individual rights and liberties, look to this subject in season.

The powers conferred in this charter seem to operate, with peculiar hardship, on the Agriculturists—that portion of the community which has been given up, of late years, as the spoils and prey of some other portions, who are not contented to gain their fortunes by the gradual profits of industrious labor. The Farming interest should be protected. It has long enough been sacrificed to the interests of the mere *trader*, the stock-jobber and the speculator. I wish to see all interests equally protected and encouraged. No one should be sacrificed to promote the others.

Farmers are the ‘bone, muscle, and sinews’ of our Republic. They are the hopes of the country. On them, in the last resort, depends the maintenance of our Constitution. Cities may become corrupt, may be subjected to the influence of demagogues, or bought and sold in the political market by the power of wealth; but the yeomanry of the land have a better prospect of escaping the corruptions of vice, and servile dependence on men. On their virtue, independence and patriotism will depend, under Providence, the stability of our free and glorious institutions.





